REMARKS

Claims 1–49 are pending in this application, prior to entry of this amendment. Claims 1–28 and 36–49 were rejected. Claims 29–35 were objected to as dependent on a rejected base claim but were indicated as allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The examiner's indication of allowability of claims 29–35 is noted with appreciation. In this regard, new independent claim 50 presents the subject matter of objected-to claims 29 and 28 in independent form, and should be allowable. New claims 51–60 are dependent under claim 50 and should also be allowable.

Independent claims 1, 28, and 41 have been amended to clarify the subject matter for which a patent is sought and distinguish it from the cited reference(s). Various dependent claims have been amended to make them consistent with their respective independent claims.

Independent claim 17 and its associated dependent claims (18–27) have been canceled.

New independent claim 61 is a method claim that is intended as a counterpart to some extent to system claim 41. New claims 62–68 are dependent under claim 61, and parallel in general to claims 42–49.

The following sections correspond to the sections in the office action.

Claim Rejections - 35 USC § 102

Claims 1–28 and 36–49 were rejected under 35 U.S.C. § 102(e) as being anticipated by the patent to *Cook et al.* (U.S. Patent No. 6,675,153; herein after referred to as *Cook*).

Regarding claims 1, 17, 28, 36–38, and 41, the examiner asserted that *Cook* discloses a method and apparatus for authorizing a transaction between a consumer and a merchant over a network where the anonymity of the consumer with respect to the merchant is maintained while still validating the authenticity of the consumer prior to completing the transaction, citing initially to the abstract. The examiner further asserted that the *Cook* system includes a central processing/database (figure 1; Zixcharge secure data center 102 - also see descriptions in the specification) for maintaining true name, true address, true account number, and alias name, alias address, and alias account number (see the descriptions of figure 1). According to the examiner, in *Cook* aliases such as alias address, alias account, and alias name can be used for conducting transaction(s) without revealing real personal information on the Internet, Websites, and/or even

merchants for security and privacy purposes. The Zixcharge system is alleged to be trusted with matching aliases with real information, sending requests to card issuer for credit card transaction approval, providing the true customer's address for delivery purposes, etc. (see figures 1-5 and their descriptions; also see claims 3, 5-8, 35-36, 45-47 and 53-55). Accordingly, the examiner has taken the position that *Cook* discloses the claimed invention.

There are several key distinctions between the system described in the *Cook* patent and the subject matter for which a patent is sought from this application. Certain independent claims have been amended to highlight these differences, which are believed to make the claims novel and nonobvious.

Admittedly, the *Cook* patent describes a system for authorizing a transaction between a consumer and a merchant where the anonymity of the consumer with respect to the merchant is maintained while still validating the authenticity of the consumer prior to completing the transaction. But this anonymity is effected by retrieving an "alias address" for a consumer and encrypting it in a digitally signed "charge slip" that is used in the transaction.

It will be appreciated that the *Cook* patent describes a very different architecture and approach to anonymous transactions. The *Cook* system involves (requires) a "charge slip application" (a computer program) that displays transaction information to the consumer and requires the consumer to digitally sign a charge slip; the signed charge slip is encrypted, the merchant digitally signs the charge slip, and the signed charge slip is processed by a payment server (all as described in the abstract). In particular, each charge card is linked to a specific email address and digital signature in the described Zixcharge system (col. 1, lines 62–64). The charge slip application retrieves "valid payment type aliases and shipping address aliases from secure data center 102 for each valid E-mail address for the member." (Col. 5, lines 46–49). The secure data center 102 returns payment type and shipping address alias information for each E-mail address based on the information that was received from the card issuer 112)(col. 5, lines 53–55). Further still, the secure data center 102 also returns designated shipping address aliases that can be displayed in a shipping address field 119 on a charge slip 114 (col. 6, lines 54–56).

Attention is directed in particular to col. 5, lines 41–52: the "charge slip application" executes on a member's computer, and retrieves valid payment type aliases and shipping address aliases from the secure data center 102 for each valid E-mail address for the member. Such payment type aliases and shipping address aliases are apparently returned to the charge slip

application where such information is used to populate fields of the charge slip application (col. 6, lines 18–19), the member signs the charge slip (col. 6, lines 65), and then it is returned to another application (ZAPI) for processing (col. 7, line 37). This is not an alias identity, it is merely a shipping address that is returned to the charge slip application, not used for the authentication.

This architecture clearly involves (requires) use of the "charge slip application" by a consumer as described in the *Cook* patent, and appears to use an email address to retrieve a "shipping address alias" for the transaction. It does not disclose, or teach, or suggest, an alias identity associated with a consumer (subscriber) that is used to access a database for purposes of determining transaction authentication. The notion of "alias" in *Cook* is therefore clearly that of returning an alternative (alias) address or information to a merchant, and not using an alias identity for purposes of authentication the transaction or other information.

In contrast, claim 1 in the present application as amended is directed to system for confirmed authentication of uniquely identified personal and business type information related to a particular subscriber to a service provider requesting an authentication of said information by means of an alias identity associated with the subscriber. Claim 1 has been amended to recite a segregated database containing said uniquely identified personal and business type information related to a particular subscriber stored in association with the subscriber's alias identity. (Support is found in paragraph 0024 of the application, among other places.)

Claim 1 has been further amended to recite a communication component coupled to the database for receiving a request for authentication of information relating to a subscriber from a requesting service provider via a communication link, the request including the alias identity. Further, the claim now recites a confirmation component for confirmation of the authentication by confirming the receipt of the request for authentication with the requesting service provider and confirming receipt of a formatted response provided to the requesting service provider. Finally, the claim now recites a program component responsive to a confirmed request for authentication from the requesting service provider for accessing the segregated database based on the alias identity, determining whether to provide an authentication based on information related to the particular subscriber retrieved from the segregated database, and preparing the formatted response to the requesting service provider that includes the authentication.

Because the *Cook* patent clearly fails to disclose, teach, or suggest such an authentication system, and instead teaches the use of the "alias address" that is returned to a "charge slip application", it is submitted that claim 1, as amended, it novel and should not be rejected as anticipated by the *Cook* patent. Further, it is submitted that the claim is nonobvious, as no teaching in *Cook* relates to the use of the alias identity for use in authentication of any personal and business type information. Accordingly, claim 1 as amended is believed novel, nonobvious, and should be allowable.

Claim 28 has been amended to clarify that the claim is directed to a method for confirmed authentication of business type records, including the step of providing a secure database for storing an alias identity of the particular subscriber in association with information relating to the subscriber's actual identity and associated uniquely identified business type records. Other aspects of the claim have been amended to recite accessing information related to the particular subscriber in the secure database based on the alias identity. For reasons similar to that discussed above in connection with claim 1, it is believed that the *Cook* patent fails to disclose, teach, or suggest aspects of using an alias identity for authentication of business type records, as recited in the claim.

The remaining claims dependent under claim 28 all provide additional elements, and should be allowable, on their own merits as providing unique additional functionality, and separately under the doctrine of *In re Fine*, 5 U.S.P.Q.2d 1597 (Fed. Cir. 1988), which stands for the proposition that if the independent claim is patentable, the dependent claims should also be allowable as they provide further limitations.

Independent claim 41 has been amended to recite a system for anonymous confirmed authentication of a transaction for an anonymous credit card account associated with a particular subscriber to a requesting service provider in response to receipt of a request for authentication that includes an alias identity associated with the subscriber. Further, the claim has been amended to recite at least one subscriber having a primary account associated with the subscriber's real identity and an alias account associated with the primary account. Yet further still, claim 41 has been amended to recite at least one offline database containing unique identified personal and business type information for a particular subscriber associating the primary account with the alias account and associating the alias account with the subscriber's

alias identity, the database coupled to the communication link for receiving a formatted request for authentication and transmitting a response to the request to a requesting service provider.

For reasons similar to that discussed above in connection with claim 1, and for reasons consistent with the examiner's indication of allowable subject matter relating to the provision of multiple accounts (e.g. primary account and alias account), it is submitted that claim 41, as amended, is novel, nonobvious, and should be allowable.

New claim 61 is a method counterpart, to some extent, of system claim 41. This claim recites the primary account and alias account, where the alias account is identified by the alias identity of the particular subscriber. For reasons consistent to the examiner's indication of the allowable subject matter relating to the provision of multiple accounts (e.g. primary account and alias account), it is submitted that claim 61 as amended is novel, nonobvious, and should be allowable.

Dependent claims

Regarding claims 2, 18, 42, the examiner referred to the discussions regarding claim 1 and further that *Cook* discloses the use of his system for Internet merchants (see background of the invention), Internet e-commerce (see background of the invention), vendors (see descriptions of figures 4-5), etc., that would embrace all limitations set forth in this claim.

Claim 18 has been canceled. As to claims 2 and 42, these claims are dependent claims and should be allowable under the doctrine of *In re Fine*, 5 U.S.P.Q.2d 1597 (Fed. Cir. 1988), which asserts that if the independent claim is allowable, then the dependent claims should also be allowable since dependent claims add further limitations. On this basis the rejection of claims 2 and 42 should be withdrawn.

Regarding claims 3–4, 19, and 43–44, the examiner referred to the discussion regarding claims 1–2, and further asserted that the Zixcharge system is connected to transmit and receive request(s) from financial institutions such as credit card issuers 112 as shown in figures 1 and 3 and thus would embrace all limitations set forth in these claims.

Claim 19 has been canceled. Claims 3–4 and 43–44 are dependent claims and should be allowable under *In re Fine*.

Regarding claims 5 and 45, the examiner referred to the discussion regarding claim 1. Claims 5 and 45 have been canceled, but see the above remarks regarding alias identity.

Regarding claims 6 and 46, the examiner referred to the descriptions of figures 4-5, and that *Cook* allegedly describes the use of ID code which would certainly embrace the use of an alphanumeric code. Claims 6 and 46 are dependent claims and should be allowable under *In re Fine*.

Regarding claim 7, the examiner again referred to the discussion of claim 1, and also cited to the communication links as shown in figures 1, 3 of *Cook* and their descriptions. Claim 7 is a dependent claim and should be allowable under *In re Fine*.

Regarding claims 8, 20, 40, and 47–48, the examiner asserted that the Internet is considered as a preexisting public communication system. Claim 20 has been canceled. The remaining dependent claims should be allowable under *In re Fine*.

Regarding claims 9 and 21–22, the examiner referred to the discussion above regarding claims 1 and 8. Claims 21–22 have been canceled. Claim 9 should be allowable under *In re Fine*.

Regarding claims 10, 23, and 49, the examiner asserted that *Cook* discloses the use of encryption using private key, public key, session key, etc., which effectively creates a virtual private network utilizing a pre-existing public communication network such as the Internet. Claim 23 has been canceled. Claims 10 and 49 should be allowable under *In re Fine*.

Regarding claim 11, the examiner asserted that *Cook* discloses a Zixcharge Secure Data Center 102 which is considered by the examiner to cover both the teachings of a single server or a multitiered system, depending on the computing power needed for the Secure Data Center 102. It is believed that the examiner meant to include claim 12 in this rejection. Claims 11–12 should be allowable under *In re Fine*.

Regarding claim 12 [*sic*, believed to be 13], the examiner asserted that *Cook* discloses the use databases in figure 4 which would embrace the use of a look-up table and thus would meet all limitations set forth in this claim. Claim 13 has been canceled.

Regarding claims 14 and 26, the examiner referred to the discussion regarding claim 1. Claims 14 and 26 have been canceled.

Regarding claims 15–16, 27, and 39, the examiner referred to "Member Authorization for Payments" and "Centralized Approval Services", financial reports in the specification, and the financial summary database as shown in figure 4 (believed referring to *Cook*), and that this

information provides financial profiles of customers, registered members, registered merchants, etc. Claims 15–16 and 39 should be allowable under *In re Fine*. Claim 27 has been canceled.

Allowable Subject Matter

Claims 29–35 were indicated as dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The indication of allowability is noted with appreciation.

New claim 50 presents the subject matter of objected-to claims 28 and 29 in independent form and should be allowable. Dependent claims 51–60 correspond to the subject matter of claims 30–40, but dependent under claim 50.

As regards the examiner's statement of reasons for indication of allowable subject matter, except for the following, the applicant respectfully defers any comments on such reasons pending a final indication of allowability and/or a Notice of Allowance. However, the applicant wishes make the following statement of record at this stage.

Pursuant to MPEP Section 1302.14, the following comments by the applicant are provided so that the record is clear that the applicant does not necessarily agree with the reasons given by the examiner for allowing this application – applicant believes that the claims are patentable for such reasons and for other reasons as well. Although the applicant appreciates the indication of allowability, these comments are believed necessary so as to negate any presumption of acquiescence to those reasons and any negative inferences that may flow therefrom.

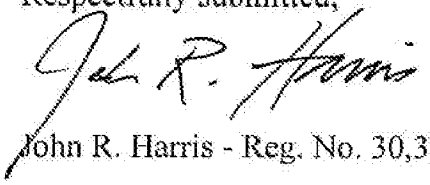
The examiner indicated that the prior art discloses a system and method for protecting customers' personal information while conducting transactions with merchants, vendors, and others, but the prior art fails to disclose such a system further comprising the specifics of : (i) database relationships between the first and second credit card accounts as claims 29–35. While applicant does not dispute this statement as a reason for allowance, applicant would like the record to be clear that the claims include various elements and steps which form part of a patentable overall combination of elements and/or process steps, and that the claims should not be viewed as allowable solely because of the recited statement.

* * * * *

Conclusion

For the foregoing reasons, it is submitted that all claims are believed novel, nonobvious, fully supported, and should be allowable. The foregoing is submitted as a full and complete response to the Office Action mailed July 5, 2006 and is believed to place all remaining claims in the application in condition for allowance. Accordingly, it is respectfully submitted that this application be allowed and that a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the applicant's attorneys would be advantageous to the disposition of this case then the Examiner is encouraged to telephone the undersigned at 404 504 7720.

Respectfully submitted,



John R. Harris - Reg. No. 30,388

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MORRIS, MANNING & MARTIN, LLP
1600 Atlanta Financial Center
3343 Peachtree Road, N.E.
Atlanta, Georgia 30326
(404) 233-7000
email: jrh@mmmlaw.com
Our Docket: 4960-46359